

REMARKS

By this Amendment, no claims are canceled, amended or added. Claims 1-11 remain as previously presented in the Substitute Specification filed July 29, 2005. As a result, claims 1-11 remain pending in the application.

Claim Rejections – 35 USC § 103

Pursuant to the Office Action, claims 1-11 stand rejected under 35 U.S.C. 103(a) as being unpatentable (i.e., obvious) over U.S. Patent 6,760,531 (Solheid et al.). The Examiner states that Solheid et al. “discloses pivoting doors for the housing, but does not disclose the frame pivoting within the housing.” The Examiner then asserts “[i]t would have been obvious to one having ordinary skill in the art at the time the invention was made to have the frame pivot within the housing, since it has been held that the provision of *adjustability*, where needed, involves only routine skill in the art. The motivation for having a frame that pivots is so as to provide access with ease to the cables and other items within the housing.” See Office Action at page 2 (emphasis added).

Applicants respectfully traverse the rejection. The Solheid et al. reference does not arguably suggest the invention of independent claim 1, let alone the additional limitations of certain of the dependent claims 2-11. The Examiner asserts that Solheid et al. discloses “a housing”; “a frame”; “assemblies for connection of optical waveguides”; and “a holder”. However, the Examiner fails to identify which components of the Solheid et al. optical fiber distribution frame correspond to the claimed elements. Furthermore, the Examiner states the reference discloses “pivoting doors for the housing” (Applicants assume the Examiner is referring to door 124 hingedly mounted on termination module 32), but does not identify a *holder* for patch cables arranged between one end of the housing and an adjacent end of the frame, with the *holder* being firmly mounted in the housing and the frame being able to pivot relative to the *holder*. In Solheid et al., the door 124 pivots relative to the termination module 32. However,

there is no holder for patch cables arranged between the termination module and the frame. Cables for connection to the rear of the adapters provided on door 124 enter the termination module through access door 122. Cables for connection to the front of the adapters provided on door 124 are routed to the front side of the door from outside the termination module. There is no need to provide the termination module with a holder for patch cables, and therefore, no need for the door 124 to rotate relative to a holder. Accordingly, it would not be obvious for one of ordinary skill in the art to have provided the termination module of Solheid et al. with a holder and to have the door 124 rotate relative to the holder. The Examiner suggests that the necessary motivation to modify Solheid et al. is "to provide access with ease to the cables and other items within the housing." However, access to the cables and other items within the termination module is already adequately provided by access door 122 and door 124 hingedly mounted to the open front of the termination module. See column 8, lines 29-47. The Examiner eventually identifies the claimed "holder" in Solheid et al. as horizontal cable tray 250 in Fig. 14. However, tray 250 has no physical or functional relationship with the door 124 of termination module 32. Cable tray 250 supports patch cables extending between the vertical arrays of termination modules and between adjacent distribution frames. See column 11, lines 13-19. Accordingly, no advantage is obtained by causing door 124 (i.e., the claimed frame) to pivot relative to cable tray 250 (i.e., the claimed holder).

As best the Examiner's obviousness rejection and suggestion, motivation or teaching in the prior art for modifying the Solheid et al. distribution frame can be understood, the cited reference does not render the claimed invention obvious. The reference relied on by the Examiner must itself suggest the claimed invention and there must be some teaching, motivation or suggestion in the prior art to combine the explicit disclosure of the reference with the features of the claimed invention in the manner proposed by the Examiner. The use of hindsight is impermissible to support an obviousness rejection. In particular, the Examiner has failed to provide the necessary motivation, suggestion or teaching in the prior art to modify the Solheid et al. distribution frame in a manner *that produces the claimed invention*, or that produces a distribution frame having the claimed attributes. Not only is there no such teaching, motivation or suggestion *in the prior art*, the reference proposed by the Examiner does not meet all of the

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limitations of the claimed invention. The proposed modification does not produce a distribution cabinet having a housing, a frame and a holder arranged between one end of the housing and an adjacent end of the frame such that the frame is able to pivot relative to the holder. Therefore, independent claim 1 is patentable for at least the foregoing reasons. Claims 2-11 depend directly or indirectly from patentable base claim 1, and thus, are likewise allowable for at least the same reasons. Accordingly, Applicants respectfully request the Examiner to withdraw the rejection of claims 1-11 under 35 U.S.C. 103(a) and to forthwith issue a Notice of Allowability for the pending claims.

CONCLUSION

In view of the foregoing remarks, Applicants respectfully request the Examiner to withdraw the rejection to the claims, and to reconsider the application. This Amendment is timely filed, fully responsive to the Office Action and places the application in condition for immediate allowance. Accordingly, Applicants respectfully request the Examiner to issue a Notice of Allowability for the pending claims 1-11. Applicants encourage the Examiner to contact the undersigned directly to further the prosecution of any remaining issues, and thereby expedite allowance of the application.

This Amendment does not result in more independent or total claims than paid for previously (i.e., 1 independent claim and 11 total claims). Accordingly, no fee for excess claims is believed to be due. The Examiner is hereby authorized to any fee due in connection with the filing of this response, including any excess claims fee, to Deposit Account No. 19-2167. If a fee is required for an extension of time under 37 C.F.R. §1.136 not already accounted for, such an extension is requested and the fee should likewise be charged to Deposit Account No. 19-2167. Any overpayment should be credited to Deposit Account No. 19-2167.

Respectfully submitted,



Christopher C. Dremann
Attorney for Applicants
Registration No. 36,504
P. O. Box 489
Hickory, N. C. 28603
Telephone: 828/901-5904
Facsimile: 828/901-5206

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